



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RTID 0648-XB789

Atlantic Coastal Fisheries Cooperative Management Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit (EFP) application contains all of the required information and warrants further consideration. The EFP would allow commercial fishing vessels to fish outside fishery regulations in support of research conducted by the applicant. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act and the Atlantic Coastal Fisheries Cooperative Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments must be received on or before *[insert date 15 days after date of publication in the FEDERAL REGISTER]*.

ADDRESSES: You may submit written comments by any of the following methods:

- Email: nmfs.gar.efp@noaa.gov. Include in the subject line "CFRF Ventless Trap EFP."

FOR FURTHER INFORMATION CONTACT: Laura Deighan, Fishery Management Specialist, Laura.Deighan@noaa.gov, (978) 281-9184.

SUPPLEMENTARY INFORMATION: The Commercial Fisheries Research Foundation submitted a complete application for an EFP to conduct commercial fishing activities that the regulations would otherwise restrict to continue to provide distribution,

abundance, and biological data on juvenile lobsters and Jonah crabs from times and areas with low coverage from traditional surveys. This EFP would exempt the participating vessels from the following Federal regulations:

Table 1 -- Requested Exemptions

Citation	Regulation	Need for exemption
50 CFR 697.21(c)	Gear specification requirements	To allow for closed escape vents and smaller trap mesh and entrance heads.
§ 697.19	Trap limit requirements	To allow for three additional traps per fishing vessel for a total of up to 66 additional traps.
§ 697.19(j)	Trap tag requirements	To allow for the use of untagged traps (though each modified trap will have the participating fisherman's identification attached).
§ 697.20(a), (d), (g), and (h)(1) and (2)	Possession restrictions	To allow for onboard biological sampling of undersized, v-notched, and egg-bearing lobsters and undersized and egg-bearing Jonah crabs and retention of up to 300 legal and sublegal Jonah crabs per month for a molting study.

This project is a continuation of ongoing effort to collect data on juvenile lobster and Jonah crab abundance and distribution in areas and times of year with low or no coverage by traditional surveys. To date, this project has collected data from over 175,000 lobsters and 105,000 Jonah crabs. The current EFP will expire April 5, 2022; this EFP would cover a study period of April 1, 2022, through June 30, 2023.

The project includes 4 inshore vessels (Lobster Management Area 2) and 16 offshore vessels (Lobster Management Areas 1, 3, and 4). Each vessel would fish with 3 modified, ventless traps designed to capture juvenile lobsters, totaling 60 modified traps. The project team hopes to add 2 additional offshore vessels (Lobster Management Areas 1, 3, 4, and/or 5) in 2022, which would increase the total to 66 traps. The modified traps would adhere to the standard coast-wide survey gear for lobster and Jonah crab set by the Atlantic States Marine Fisheries Commission and would be fished within standard

Atlantic Large Whale-compliant trawls. The traps would remain in the water up to 12 months and be hauled every 7 days by the inshore vessels and every 10 days by the offshore vessels.

This study would take place during the regular fishing activity of the participating vessels, but catch from modified traps would remain separate from that of standard gear. Operators would collect data on size, sex, presence of eggs, and shell hardness for lobsters and Jonah crabs and v-notch and shell disease for lobsters. In addition to onboard sampling, three inshore and three offshore vessels would retain up to 50 Jonah crabs per month each, for a total of up to 300 crabs per month, for a molting study. Operators would return all other specimens from modified gear to the ocean once sampling is complete.

The study is designed to inform management by addressing questions of changing reproduction and recruitment dynamics of lobster and develop a foundation of knowledge for the data-deficient Jonah crab fishery. The Commercial Fisheries Research Foundation would share data with the Atlantic Coastal Cooperative Statistics Program, the Northeast Fisheries Science Center, the Atlantic States Marine Fisheries Commission, and the Rhode Island Department of Environmental Management every 6 months.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 7, 2022.

Ngagne Jafnar Gueye,

Acting Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.

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